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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,467	01/23/2004	Makiko Mori	02910.000113.	5471

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EXAMINER	
SITTA, GRANT	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/762,467	MORI, MAKIKO	
	Examiner	Art Unit	
	GRANT D. SITTA	2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-9*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/Grant D Sitta/
Examiner, Art Unit 2629

Continuation of 3. NOTE: With respect to claims 4 and 7, striking "a sum" from the phrase "a sum or an average" further narrows the claim limitations since "a sum" was addressed in the Office Action .

Continuation of 11. does NOT place the application in condition for allowance because: 31. Applicant's arguments filed 7/23/2010 have been fully considered but they are not persuasive.

32. In response to applicant's argument that the prior art fails to teach a a display brightness featured value detecting circuit that receives a superimposed video signal output from the superimposing circuit superimposing circuit "before the superimposed video signal is input to the display panel", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Tsuzuki relates to an automatic brightness correction apparatus for an image display device that includes a display panel 18, a converting circuit 12 for converting an input video signal to an output video signal 12 (see Figures 1 and 2). Tsuzuki is also said to include a a display brightness featured value detection circuit (e.g., brightness information detector 21 and/or, cathode detection transistor 32) for detecting a display brightness featured value indicating a brightness of a display screen and an adjustment circuit.

Tsuzuki is silent with respect to a superimposing circuit, particularly, a superimposing circuit for superimposing a signal for displaying textual information or an icon on the adjusted video signal to output a superimposed video signal to the display panel.

However, Yamaguchi teaches a television receiver which is capable of simultaneously display a picture signal by at least first and second pictures images on a cathode ray tube. Yamaguchi shows a high voltage circuit 27, which monitors the anode of the CRT 41. Also connected to the high voltage circuit 27 is an ABL detector 28, which generates a detection voltage representing a variation in the anode current of the CRT 41. The superimposing circuit 30 is placed on the last stage before being sent to the CRT 41. It would have been obvious to one of ordinary skill in the art to have recognized that applying the known device of a superimposing circuit would have yielded the predictable results of applying addition information on the video signal of Tsuzuki, in order to easily convey information to the user. Examiner asserts that inserting a superimposing circuit 30, as shown in Yamaguchi, inbetween 31 and 32 of fig. 2, for example, of Tsuzuki would have predictable results to one of ordinary skill in the art. While Yamaguchi teaches monitoring the anode of the CRT, which is arguably ,"after the display." Examiner asserts it is well in the purview to one of ordinary skill to detect the brightness before the display as taught by Tsuzuki 31 and 32 of fig. 2. Furthermore, even for the sake of argument, the mere shifting location of parts is generally considered an obvious choice in design, unless application establishes unexpected results see In re Japikes, 86, USPQ (CCPA 1950).

With respect to Applicant's remarks that the brightness featured value in Tsuzuki is based on a test pulse-not a superimposed signal for displaying textual information. As noted above, "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art..